

STATEMENT OF BASIS (AI No. 19556)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0052124 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Intercontinental Terminals Company, LLC  
Anchorage Chemical Terminal (ACT)  
2449 North River Road  
Port Allen, LA 70767

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: April 14, 2010

1. PERMIT STATUS

A. Reason For Permit Action:

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: June 1, 2005  
LPDES permit expiration date: May 31, 2010

C. Date Application Received: December 1, 2009

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - chemical storage terminal

This existing facility is a storage and distribution facility for LPG-like chemical products, including mixed butylenes, 1,3-butadiene, propylene, propane, and ST-04 Bottoms. Products are received and transferred to commerce via ship, barge, tank car, tank truck or pipeline.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: III
4. SIC code: 5169

C. LOCATION - 2449 North River Road in Port Allen, West Baton Rouge Parish  
Latitude 30°28'59", Longitude 91°12'22"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: once-through cooling water, flare seal water, pump pad and compressor building washdown water, stormwater from the secondary containment areas

Treatment: parallel plate oil/water separator

Location: at the point of discharge from the oil/water separator located south of the loading rack

Flow: 8,600 gpd

Discharge Route: unnamed canal, thence into the Intracoastal Waterway

#### Outfall 002

Discharge Type: stormwater runoff from the south section of the site including the diked areas surrounding the propylene storage area, the butadiene storage area, and the refrigeration compressor house; stormwater runoff from outside the butadiene transfer pump, which includes the tank truck loading/unloading area; propylene tanks cooling spray runoff; firewater system test water; overflow from the firewater pond; uncontaminated washdown water; and previously monitored hydrostatic test water

Treatment: none

Location: at the point of discharge from the stormwater conveyance west of the flare and south of the loading rack near Outfall 001

Flow: intermittent, 71,300 gpd

Discharge Route: unnamed canal, thence into the Intracoastal Waterway

#### Outfall 102

Discharge Type: hydrostatic test water

Treatment: none

Location: at the point of discharge from the pipe

Flow: intermittent

Discharge Route: unnamed canal, thence into the Intracoastal Waterway

#### Outfall 003

Discharge Type: stormwater from the north section of the site and firewater system test water

Treatment: none

Location: at the point of discharge from the stormwater conveyance south of the loading rack along the southeast fence line

Flow: intermittent, 20,400 gpd

Discharge Route: unnamed canal, thence into the Intracoastal Waterway

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#### Outfall 004

Discharge Type: treated sanitary wastewater  
Treatment: aerobic sewage treatment system  
Location: at the point of discharge from the sanitary treatment system  
located south of the loading rack near Outfall 001  
Flow: 500 gpd  
Discharge Route: unnamed canal, thence into the Intracoastal Waterway

#### 4. RECEIVING WATERS

STREAM - unnamed canal, thence into the Intracoastal Waterway

BASIN AND SEGMENT - Terrebonne Basin, Segment 120109

DESIGNATED USES - a. primary contact recreation  
b. secondary contact recreation  
c. propagation of fish and wildlife  
d. drinking water supply\*

\*Drinking Water Supply is listed as a designated use of Segment 120109 (Intracoastal Waterway). However, this designated use is applicable only if the discharge is directly into the waterbody and not into a tributary or distributary of the waterbody, per LAC33:IX.1111.

#### 5. TMDL STATUS

Subsegment 120109, the Intracoastal Waterway, is listed on LDEQ's Final 2006 303(d) list as impaired for sulfates (EPA Category 5). TMDLs have not yet been established for the sulfate impairment for subsegment 120109. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a future TMDL. Until completion of TMDLs for the Terrebonne Basin, those suspected causes for impairment which are not directly attributed to the bulk storage terminal point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated. Based on the evaluation of the effluent discharges, it was determined that the facility does not have the potential to discharge pollutants which may contribute to the sulfates impairment of the receiving waterbody.

Subsegment 120109 was previously listed as impaired for pathogen indicators (fecal coliform bacteria) and dissolved oxygen and nutrients, for which the below TMDLs have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality

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integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 120109:

TMDLs for the Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for Selected Subsegments in the Terrebonne Basin was finalized on April 19, 2007.

Fecal Coliform

Subsegment 120109 was listed as impaired for fecal coliform bacteria. According to the TMDL report, "For fecal coliform bacteria, LDEQ's policy is to set wastewater permit limits no higher than water quality criteria (i.e., criteria are met at end-of-pipe). As long as point source discharges of treated wastewater contain parameter levels at or below these permit limits, they should not be a cause of exceedances of the fecal coliform bacteria water quality criteria. Therefore, no change in permit limits is required." Standard fecal coliform limits have been included in the permit at Outfall 004 that will address the potential for further impairment of this waterbody.

TMDLs for Dissolved Oxygen and Nutrients in Selected Subsegments in the Upper Terrebonne Basin, Louisiana was finalized on April 2, 2008.

Dissolved Oxygen

Only two facilities, the Alma Plantation and the Ashland Plantation, required changes in their permit limits as a result of the dissolved oxygen (DO) TMDL. To protect against further dissolved oxygen impairment, a TOC parameter has been included in the permit at Outfalls 001, 002, 102 and 003 and a BOD5 parameter has been included at Outfall 004.

Nutrients

According to the state's narrative criteria for nutrients, "The naturally occurring range of nitrogen-phosphorus ratios shall be maintained."

According to the TMDL report, water quality data were collected from non-nutrient impaired subsegments in the Terrebonne Basin. The data were compared with the observed data for the nutrient-impaired subsegments. The total nitrogen to phosphorus ratio and mean concentrations in the nutrient listed subsegments are within the ratio and concentration ranges for the non-impaired subsegments. Because of this, no nutrient reductions were necessary for subsegments 120102, 120103, 120105, 120106, or 120109.

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The TMDL report states, "Because no reductions to nutrients were required, it is assumed that the point sources may continue to discharge at their current concentration level of nutrients and not make any deleterious effect on water quality. Any increase in nutrient effluent concentrations could require additional monitoring and modeling and a revision to this TMDL."

LDEQ's position regarding water quality criteria for nutrients, is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits. Docket No. AHD-DR-96001. LDEQ April 29, 1996. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through BOD5 and TOC limitations. Compliance with the BOD5 and TOC limitations as an indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQs ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

#### 6. CHANGES FROM PREVIOUS PERMIT

Monthly Average Limitations have been added to Outfall 004. Weekly Average Limitations for Outfall 004 have been changed to Daily Maximum Limitations. A prohibition to discharge flare seal water which has come in contact with ST-04 has been placed in Other Conditions.

#### 7. COMPLIANCE HISTORY/COMMENTS

##### A. Inspections:

An inspection was conducted January 23, 2006. EDMS document 34385094

B. Enforcement Actions (COs, NOVs, Warning Letters, etc.): No records of recent compliance actions were found. EPA has not retained Enforcement Authority.

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C. DMRs - A DMR review was completed for March 2008 through March 2010. The following excursions were reported:

<u>DATE</u>	<u>PARAMETER</u>	<u>OUTFALL</u>	<u>REPORTED VALUE</u>		<u>PERMIT LIMITS</u>	
			<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>	<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>
6/08	BOD	004	---	46	---	45
6/08	TSS	004	---	135	---	45
12/08	BOD	004	---	70	---	45

D. Company Compliance History - No records of recent compliance actions were found.

E. Permit Actions Taken: N/A

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

#### 8. EXISTING EFFLUENT LIMITS

##### Outfall 001

TOC                    -:50  
 Oil & Grease        -:15  
 pH                    6-9

##### Outfall 102

TOC                    -:50  
 Oil & Grease        -:15  
 TSS                   -:90  
 Benzene              -:0.05  
 BTEX                  -:0.25  
 Lead                   -:0.05  
 pH                    6-9

##### Outfall 002

TOC                    -:50  
 Oil & Grease        -:15  
 pH                    6-9

##### Outfall 003

TOC                    -:50  
 Oil & Grease        -:15  
 pH                    6-9

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Outfall 004

BOD	—:45
TSS	—:45
Fecal Coliform	—:400
pH	6-9

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 120109 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated January 5, 2010 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

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Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

**13. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT**

As per LAC33:IX.2341.B.14.a-k, stormwater discharges from facilities classified as 5169 are not considered to be associated with industrial activities. However, a SWP3 is included in the permit by BPJ since there is a potential for storm water contamination from processes including loading, unloading, materials storage, equipment and area washdown.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. For renewal permit issuance, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility. (see Narrative Requirements for the AI)



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### Rationale for Intercontinental Terminals Company, LLC

1. Outfall 001 once-through cooling water, flare seal water, pump pad and compressor building washdown water, stormwater from the secondary containment areas (estimated flow is 8,600 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow (MGD)	Report:Report	LAC 33:IX.2707.I.1.b
TOC	---:50	BPJ; LDEQ General Permit for Light Commercial Facilities; previous permit
Oil & Grease	---:15	BPJ; LDEQ General Permit for Light Commercial Facilities; previous permit
pH	6 su - 9 su	BPJ; LDEQ General Permit for Light Commercial Facilities; previous permit

Treatment: parallel plate oil/water separator

Monitoring Frequency: quarterly

Limits Justification: TOC, Oil and Grease, and pH limits are established as BPJ in accordance with LDEQ's General Permit for Light Commercial Facilities, LAG480000 and the previous permit.

2. Outfall 002: stormwater runoff from the south section of the site including the diked areas surrounding the propylene storage area, the butadiene storage area, and the refrigeration compressor house; stormwater runoff from outside the butadiene transfer pump, which includes the tank truck loading/unloading area; propylene tanks cooling spray runoff; firewater system test water; overflow from the firewater pond; uncontaminated washdown water; and previously monitored hydrostatic test water (estimated flow is intermittent - 71,300 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC 33:IX.2707.I.1.b
TOC	---:50	BPJ; LDEQ Stormwater Guidance; previous permit
Oil & Grease	---:15	BPJ; LDEQ Stormwater Guidance; previous permit
pH	6 su - 9 su	BPJ; previous permit

Treatment: none

Monitoring Frequency: quarterly

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**Limits Justification:** TOC, Oil and Grease, and pH limits are established by BPJ in accordance with this Office's guidance on stormwater, letter dated June 17, 1987, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6), and the previous permit.

3. Outfall 102: hydrostatic test water (estimated flow is intermittent)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC 33:1X.2707.I.1.b
TOC	---:50	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit
Oil & Grease	---:15	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit
TSS	---:90	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit
Benzene	---:50 µg/l	BPJ; Hydrostatic Test Wastewater General Permit LAG670000
Total BTEX	---:250 µg/l	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit
Lead	---:50 µg/l	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit
pH	6 su - 9 su	BPJ; Hydrostatic Test Wastewater General Permit LAG670000; previous permit

**Treatment:** none

**Monitoring Frequency:** once per discharge event

**Limits Justification:** TOC, Oil and Grease, TSS, pH, Benzene, Total BTEX, and Lead limits are established by BPJ based on the previous permit and/or Hydrostatic Test Wastewater General Permit LAG670000.

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4. Outfall 003: stormwater runoff from north section of the site and firewater system test water (estimated flow is intermittent - 20,400 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC 33:IX.2707.I.1.b
TOC	---:50	BPJ; LDEQ Stormwater Guidance; previous permit
Oil & Grease	---:15	BPJ; LDEQ Stormwater Guidance; previous permit
pH	6 su - 9 su	BPJ; previous permit

Treatment: none

Monitoring Frequency: quarterly

Limits Justification: TOC, Oil and Grease, and pH limits are established by BPJ in accordance with this Office's guidance on stormwater, letter dated June 17, 1987, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6), and the previous permit.

5. Outfall 004: treated sanitary wastewater (estimated flow is 500 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC 33:IX.2707.I.1.b
BOD <sub>5</sub>	30:45	BPJ; Class I Sanitary General Permit; previous permit
TSS	30:45	BPJ; Class I Sanitary General Permit; previous permit
Fecal Coliforms	200:400 col/ml	BPJ; Class I Sanitary General Permit; previous permit
pH	6 su - 9 su	BPJ; Class I Sanitary General Permit; previous permit

Treatment: aerobic sanitary treatment unit

Monitoring Frequency: semiannually

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**Limits Justification:**

- 1) Sanitary wastewater regulated in accordance with LAC 33:IX.711 or LAC 33:IX.709.B - Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD, and TSS in terms of concentration.
- 2) BPJ utilizing the LPDES Class I Sanitary General Permit , and the previous permit

\* Existing permits for similar outfalls  
BPJ Best Professional Judgement  
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.